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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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46369	7590	12/08/2005	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C. 5 COLUMBIA CIRCLE ALBANY, NY 12203			ROMANO, JOHN J	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/015,029	<b>Applicant(s)</b> KADLECIK ET AL.	
	<b>Examiner</b> John J. Romano	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/2005 has been entered.

Applicant's amendment and response received November 14<sup>th</sup>, 2005, responding to the July 14<sup>th</sup>, 2005, Office action provided in the rejections of claims 1-38, wherein claims 1, 9, 13, 21, 25-27 and 35 have been amended. Claims 1-38, remain pending in the application and which have been fully considered by the examiner.

#### ***Prior Art's Arguments – Rejections***

2. Applicant's arguments filed November 14<sup>th</sup>, 2005, in particular on page 11, have been fully considered but they are not persuasive. For example,

(A) In response to applicant's argument (Page 11, First paragraph) that Li fails to teach passing information used to automatically establish a new debug session at another processor without intervention, as claimed in the independent claims, the Examiner strongly disagrees. As reproduced below in the claim rejections, *Li* discloses:

- "...wherein at least a portion of said attached debug information is used to automatically establish a new debug session at the another

processor without intervention." (E.g., see Figure 2 & Page 2, Paragraph [0013]), wherein the stub start log data and the stub end log data gather **runtime information about execution** of the second software component within the component-based software system without intervention. (**emphasis added**)

The debug session is the *logging of data* or tracing, which is a procedure used in debugging and thereby interpreted as a debug session. Furthermore, the embedded code is the attached debug information used to automatically establish the logging (new debug session) at the another processor without intervention. Therefore, *Li* does disclose "... wherein at least a portion of said attached debug information is used to automatically establish a new debug session at the another processor without intervention." Accordingly, the rejections of the independent claims, and corresponding dependent claims, are maintained over *Davidson* in view of *Li* as disclosed hereinabove and below in the claim rejections.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al., US 6,042,614 (hereinafter **Davidson**) in view of Li et al., Us. 2003/0056200 A1 (hereinafter **Li**).

2. In regard to claim **1**, **Davidson** discloses:

- *"A method of facilitating debugging of transactions, said method comprising..."* (E.g., see Figure 14 & Column 5, lines 45-51), wherein the transaction comprises the requested object.
- *"...executing a transaction on one processor of a plurality of processors, said transaction having debug information..."* (E.g., see Figure 6 and 7 & Column 8, lines 58-65), wherein.
- *"...requesting, by said transaction, a service on another processor of said plurality of processors ..."* (E.g., see Figure 8 & Column 9, lines 6-11), wherein a DOE environment server, comprising another processor of said plurality of processors, services requests from a client executing a transaction.
- *"...wherein a path of the transaction is not predefined to a controller of the debugging."* (E.g., see Figure 14 & Column 11, lines 52-57), wherein the dbx-engine comprises the said debug information and is attached or follows the transaction on the another processor wherein a path of the transaction is not predefined.

But **Davidson** does not expressly disclose *"...attached to the transaction..."* or *"...wherein said attached debug information is passed with the transaction from the one*

*processor to the another processor eliminating a need for attaching the debug information at the another processor ...” or “...wherein at least a portion of said attached debug information is used to automatically establish a new debug session at the another processor with intervention.”*. However, Li discloses:

- “...executing a transaction on one processor of a plurality of processors, said transaction having debug information attached to the transaction...” (E.g., see Figure 2 & Page 2, Paragraph [0013]), wherein the debug information is attached to the transaction.
- “...wherein said attached debug information is passed with the transaction from the one processor to the another processor eliminating a need for attaching the debug information at the another processor, and wherein a path of the transaction is not predefined to a controller of the debugging...” (E.g., see Figure 2 & Page 2, Paragraph [0013]), wherein the debug information is attached to the transaction, by being embedded in the code.
- “...wherein at least a portion of said attached debug information is used to automatically establish a new debug session at the another processor with intervention.” (E.g., see Figure 2 & Page 2, Paragraph [0013]), wherein the stub start log data and the stub end log data gather runtime information about execution of the second software component within the component-based software system without intervention.

**Davidson** and **Li** are analogous art because they are both concerned with the same field of endeavor, namely, a distributed debugger. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use **Li's** attachment to the transaction with **Davidson's** method of distributed debugging. The motivation to do so would have been to achieve distributed debugging in a seamless, low-overhead, unencumbered manner as taught by Davidson, Specification, Column 3, lines 25-31. Therefore, it would have been obvious to include an unencumbering process with the transaction in order to have a more seamless operation with less overhead as compared to a backend debugger and backend registration.

3. In regard to claim **2**, the rejection of base claim **1** is incorporated. Furthermore, **Davidson** discloses:

- "...attaching said debug information to said transaction being executed on said one processor." (E.g., see Figure 14 & Column 12, lines 16-24), wherein the debug information is attached.

4. In regard to claim **3**, the rejection of base claim **1** is incorporated. Furthermore, **Davidson** discloses:

- "...providing, by the controller to the one processor, at least a part of the debug information, and said debug information is provided to the another processor independent of said controller." (E.g., see Figure 10 & Column 14, lines 50-64), wherein a found server host tells the local

host that a dbx-engine is non-existent and thus implements a request independent of said controller.

5. In regard to claim 4, the rejections of base claim 1 are incorporated.

Furthermore, **Davidson** discloses:

- "...including the debug information in a communications session established with said another processor." (E.g., see Figure 9 & Column 10, lines 1 and 2), wherein communications capability is disclosed for a communication session.

6. In regard to claim 5, the rejections of base claim 1 are incorporated.

Furthermore, **Davidson** discloses:

- "...information relating to said transaction." (E.g., see Figure 14 & Column 12, lines 40-50), wherein the request id (line 40), is included.

7. In regard to claim 6, the rejections of base claim 1 are incorporated.

Furthermore, **Davidson** discloses:

- "...an identifier of the controller of the debugging." (E.g., see Figure 14 & Column 12, lines 40-50), wherein the client inter-process address (line 41) is included.

8. In regard to claim 7, the rejections of base claim 1 are incorporated.

Furthermore, **Davidson** discloses:

- "...a client workstation coupled to said one processor and said another processor." (E.g., see Figure 2 & Column 7, lines 43-47), wherein a



client workstation would be the workstation initiating the client application.

9. In regard to claim 8, the rejections of base claim 1 are incorporated.

Furthermore, **Davidson** discloses:

- "...*executing an application on said another processor.*" (E.g., see Figure 7 & Column 38, lines 58-65), wherein an operation or application may be executed on another processor.

10. In regard to claim 9, **Davidson** discloses:

- "*A method of facilitating debugging of transactions, said method comprising...*" (E.g., see Figure 14 & Column 5, lines 45-51), wherein the transaction comprises the requested object.
- "...*using a client workstation to enter debug information on a processor where a transaction is to be started, the debug information being associated with tracing the transaction ...*" (E.g., see Figure 5 & Column 8, lines 9-36), wherein the debugger may be employed on a client workstation as shown in Figure 3. Further, debug information or commands may be entered via the GUI where the transaction is initiated and tracing is associated with the debug information (line 16).
- "...*attaching at least a portion of the debug information to the transaction being executed on the processor ...*" (E.g., see Figure 14 & Column 11, lines 52-57), wherein the dbx-engine comprises the said

debug information and is attached or follows the transaction on the another processor wherein a path of the transaction is not predefined.

- "...requesting, by the transaction, a service on another processor..." (E.g., see Figure 8 & Column 9, lines 6-11), wherein a DOE environment a server, comprising another processor of said plurality of processors, services requests from a client executing a transaction.
- "...wherein tracing of the transaction can continue on the another processor." (E.g., see Figure 9 & Column 10, lines 3 and 4) wherein the dbx-engine comprises continuing debugging including tracing on the another processor.

But **Davidson** does not expressly disclose "...passing with the transaction the attached debug information from the processor to the another processor eliminating a need for attaching the debug information at the another processor..." or "...wherein at least a portion of said attached debug information is used to automatically establish a new debug session at the another processor without intervention...". However, **Li** discloses:

- "...passing with the transaction the attached debug information from the processor to the another processor eliminating a need for attaching the debug information at the another processor..." (E.g., see Figure 2 & Page 2, Paragraph [0013]), wherein the debug information is attached to the transaction, by being embedded in the code thereby

eliminating a need for attaching the debug information to the another processor.

- "...wherein at least a portion of said attached debug information is used to automatically establish a new debug session at the another processor without intervention..." (E.g., see Figure 2 & Page 2, Paragraph [0013]), wherein the stub start log data and the stub end log data gather runtime information about execution of the second software component within the component-based software system without intervention.

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use **Li's** attachment to the transaction with **Davidson's** method of distributed debugging. The motivation to do so would have been to achieve distributed debugging in a seamless, low-overhead, unencumbered manner as taught by Davidson, Specification, Column 3, lines 25-31. Therefore, it would have been obvious to include an unencumbering process with the transaction in order to have a more seamless operation with less overhead as compared to a backend debugger and backend registration.

11. In regard to claim **10**, the rejections of base claim **9** are incorporated. But Davidson does not expressly disclose "...without performing a debug registration process between the client workstation and the another processor.". However, \*\*\* discloses:

- "...without performing a debug registration process between the client workstation and the another processor." (E.g., see Figure 2 & Page 2, Paragraph [0013]), wherein the debug information is attached to the transaction, by being embedded in the code thereby eliminating a need for attaching the a debug registration process between the client workstation and the another processor.

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Li's attachment to the transaction with **Davidson's** method of distributed debugging. The motivation to do so would have been to achieve distributed debugging in a seamless, low-overhead, unencumbered manner as taught by Davidson, Specification, Column 3, lines 25-31. Therefore, it would have been obvious to include an unencumbering process with the transaction in order to have a more seamless operation with less overhead as compared to a backend debugger and backend registration.

12. In regard to claim **11**, the rejections of base claim **9** are incorporated.

Furthermore, **Davidson** discloses:

- "...without having the client workstation provide the at least a portion of the debug information to the another processor." (E.g., see Figure 5 & Column 8, lines 9-36), wherein the only information included in the transaction is what is necessary to return the information to the client workstation where the debugging is actually taking place.

13. In regard to claim **12**, the rejections of base claim **9** are incorporated.

Furthermore, **Davidson** discloses:

- "...without predefining to the client workstation the path taken by the transaction." (E.g., see Figure 2 & Column 8, lines 58-65), wherein the client does not know which server will be used for the execution of a call.

14. As per claims **13-24**, this is a system version of the claimed method discussed above, in claims **1-12**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Davidson's** system for a distributed debugging environment (Figure 2 & Column 16, lines 15-18).

15. As per claim **25**, this is a system version of the claimed method discussed above, in claim **1**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Davidson's** system for a distributed debugging environment (Figure 2 & Column 16, lines 15-18).

16. As per claim **26**, the rejections of claim **9** are incorporated. Furthermore, **Davidson** discloses:

- "...a communications protocol..." (E.g., see Figure 5 & Column 8, lines 16-20), wherein a communications protocol is included.

17. As per claims **27-38**, this is a program storage device version of the claimed method discussed above, in claims **1-12**, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see **Davidson** (Figure 1 &

Art Unit: 2192

Column 7, lines 35-43), wherein, a CD-ROM medium, which typically contains programs and data is taught.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Romano whose telephone number is (571) 272-3872. The examiner can normally be reached on 8-5:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJR

  
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SUPERVISORY PATENT EXAMINER